S.B. CIVIL WRIT PETITION NO.5214/2004.

THE DIRECTOR, CENTRAL STATE FARM, SARDARGARH
VS.
THE INDUSTRIAL TRIBUNAL, SRIGANGANAGAR & ORS.

DATE OF ORDER : 26.04.2007.

HON'BLE MR. GOVIND MATHUR, J.

Mr. Sanjeev Johari for the petitioner.
Mr. G.J. Gupta for the respondents.

The Director, Central State Farm, Sardargarh has given challenge to validity, propriety and correctness of the award dated 08.04.2004 passed by Labour Court, Sriganganagar directing the employer to determine seniority of the respondent workmen in accordance with letter dated 06/08.11.1995 and further to regularize their services, if they stand at appropriate pedestal in the seniority list.

It is contended by learned counsel for the petitioner that the learned court below erred while directing as above for the reason that the earlier seniority list was prepared with the consent of two existing Trade Unions operating in the Industry. According to counsel for the petitioner, no objection workmen could have raised with regard to seniority list as the same was prepared and accepted by the Trade Unions having membership amongst all the employees of the Central State Farm.

I do not find any force in the contention so raised. The seniority of a workman is an individual right and inspite of it being approved by the Trade Unions, he is having every right to object the same, if a wrong determination of seniority is made. The workman cannot be denied from raising any objection with regard to his seniority despite acceptance of the same Union to which he is a member.

Beside the above, I have examined the award impugned i.e. based on sound appreciation of legal positions and does not suffer from any error apparent on face of record, therefore, no interference of this Court under Article 226 and 227 of the Constitution of India is warranted.

The writ petition is accordingly dismissed.

(GOVIND MATHUR)J.

Anil/